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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/276,042	03/25/99	CHRISTIE	J 1098D

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EXAMINER

DEANE JR, W

ART UNIT

PAPER NUMBER

2742

DATE MAILED:

02/29/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/279,042

Applicant(s)

CHRISTIE ET AL.

Examiner

Bill Deane

Group Art Unit  
2742



☒ Responsive to communication(s) filed on THE AMENDMENT FILED 12/09/99

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1 and 2 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1 and 2 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Dec 9, 1999 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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### DETAILED ACTION

The rejection of claims 1 - 2, in the Office Action (paper number 2) mailed 08/02/99, is hereby maintained and repeated below.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kaplan (U.S. Patent Number 5,163,087). Kaplan discloses a method for operating a telecommunications system to selectively validate calls placed to called numbers from callers with associated caller numbers, wherein the system handles a plurality of types of calls, the method comprising accepting a call into the telecommunications system (see col. 7, lines 34-38); receiving the caller number (ANI) and the called number for the call (see col. 7, lines 47-51); before validating the call, determining if the call is a type of call that requires validation (see col. 7, lines 44-54); if the call does not require validation, then processing the called number (see col. 7, lines 42-47); and if the call requires validation, then entering a validation database with the caller number (ANI) before further processing the called number (see col. 7, lines 54-68).

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*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pilc et al. (U.S. Patent Number 5,510,777) in view of Kaplan (U.S. Patent Number 5,163,087). Pilc discloses a method for operating a telecommunications system to selectively validate calls placed to called numbers from callers with associated caller numbers, wherein the system handles "800" and "900"

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type calls, the method comprising accepting a call into the telecommunications system (see col. 5, line 64 through col. 6, line 7) and handling the validation of "800" and "900" type calls differently (see FIGs. 5 and 10). Pilc discloses receiving the caller number and the called number for the call (see col. 8, lines 27-28) and determining whether the called number is an "800" type called number (see col. 5, line 66 through col. 6, line 2 and block 805 in FIG. 5). Pilc discloses validating a "900" type call by entering a validation database with a caller number before further processing of the called number (see col. 17, lines 60-66). Pilc fails to disclose the method step of if the called number is an "800" type number, then entering an "800" type number database with the called number before entering a validation database with the caller number. Kaplan teaches if the call requires validation, then entering a validation database with the caller number (ANI) before further processing the called number (see col. 7, lines 54-68) such that calling customers can be correctly matched with called businesses. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings Kaplan into Pilc's method to improve the chances that the calling party is connected to the correct called party.

### ***Response to Arguments***

6. Applicants' arguments filed 12/09/99 have been fully considered but are not persuasive to any error in the above rejection.

Applicants' argue that Kaplan teaches a translation process. This is agreed. However, it is not agreed that validation is not taught by Kaplan. Validation is inherent in a translation

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process. At some point in a translation process the incoming DN is checked or validated as a number that requires or has been requested to be ported or the like. The DN is first validated to determine if a translation has been requested, if so the translation is completed.

With respect to claims 1, the bigger question is does Kaplan teach determining if the call is a type of call that requires validation before validating the call? To this question, applicants' are referred to Col. 7 - Col. 8, lines 42 - 6. In lines 42 - 51 of Col. 7, it is determined whether the call is the type of call that requires validation. Note it is determined as to whether the call is a business call or not. Once it is determined that a the call is a business type call in which there is a subscriber, that call is then validated via the ANI.

With respect to claim 2, it is not understood what applicants' argument is as the combination of the applied references is not discussed. Claim 2, as written, is properly rejected as discussed above.

### *Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (703) 306-5838. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 308-6306.

  
WJD

February 24, 2000



KRISTA ZELE  
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